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BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION SECURITY ADMINISTRATION  
WASHINGTON, D.C.

DEPT. OF TRANSPORTATION  
DOCKETS

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Security Programs for Aircraft

12,500 Pounds or More

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) Docket TSA-2002-11604 -19

COMMENTS OF KALITTA AIR, L.L.C.  
CUSTOM AIR TRANSPORT, INC. AND  
USA JET AIRLINES, INC.

[REDACTED VERSION]

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**USA Jet Airlines, Inc.**

Dated: April 23, 2002

**BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION SECURITY ADMINISTRATION  
WASHINGTON, D.C.**

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**COMMENTS OF KALITTA AIR, L.L.C.  
CUSTOM AIR TRANSPORT, INC. AND  
USA JET AIRLINES, INC.**

Kalitta Air, L.L.C. ("Kalitta"), Custom Air Transport, Inc. ("CAT") and USA Jet Airlines, Inc. ("USA Jet") (collectively "the Joint Commenters") hereby submit their comments on the above-titled Final Rule, published by the **TSA** in the Federal Register on February 22, 2002 (67 F.R. 8205 et. seq.) The Joint Commenters are all-cargo air carriers certificated under FAR Part 121, and operate primarily or entirely on a charter basis.

Kalitta Air, based at Willow Run Airport in Ypsilanti, Michigan, operates domestic and international cargo charters with a fleet of four 6-747 and two B-727-200s. CAT, which is based in Fort Lauderdale, Florida, operates domestic and international cargo charters using a fleet of 6-727-200s. Though it currently operates five such aircraft, two additional B-727-200s are now being added to its certificate, and it expects to expand further within the next two months. USA Jet, which is also based at Willow Run Airport, operates cargo charters throughout North America, primarily on behalf of the major automobile manufacturers. It operates a fleet of 13 Dassault Falcons and 12 DC-9-15 and -30-series aircraft.

The Joint Commenters wish to focus primarily on the portion of the Final Rule (§1544.237) that pertains to "Flight Deck Privileges." There are, however, a few general points we wish to make.

The Joint Commenters recognize the importance of the Final Rule and the security programs that will be promulgated thereunder. We agree that it is appropriate that cargo air carriers take necessary steps to increase the security of their operations. Nevertheless, we believe that cargo aircraft in general pose a much lower risk of being targeted or used by terrorists than do passenger aircraft. Access to cargo aircraft is extremely limited, and is completely under the control of the carrier. Normally, only the crew, carrier employees, and other persons specifically authorized by the carrier, will go aboard a cargo aircraft. This affords the carrier a much greater degree of certainty that terrorists will not be able to use the aircraft to commit a terrorist act, in contrast to a passenger aircraft, which is host to any passenger who pays the ticket.

The Final Rules' preamble (67 F.R. at 8206) is correct in stating that an aircraft used as a terrorist weapon is just as dangerous whether it holds cargo or passengers. However, the TSA's rules and security programs should recognize the lower likelihood that such an event could ever occur on a cargo airline.

Nonetheless, the Joint Commenters believe that there are some procedures that could be implemented to make all-cargo operations even more secure than they already are. Importantly, these measures can be implemented without impairing cargo carriers' ability to do business. We suggest that the security plans adopted pursuant to this regulation take account of the following considerations.

**(Note: The following discussion is considered confidential, as it contains direct references to the Joint Commenters' Air Carrier Security Plans, and is therefore not contained in the version submitted in the public docket.)**

## **I. Restrictions on Flight Deck Access**

[REDACTED]

## **II. Operational Transponder**

[REDACTED]

## **III. Varying Security Levels Based on Aircraft Weight**

The Final Rule does not indicate whether flight deck access restrictions established by security programs may differ among aircraft based on size. Certainly, the Final Rule does not prevent such a distinction, mandating only that aircraft over 12,500 pounds that have cockpit doors restrict access in accordance with their security programs.

The kinds of incidents that occurred on September 11 would likely not have occurred only with a small aircraft, and thus larger aircraft are much more probable targets of terrorist intent. Accordingly, the kinds of restrictions suggested above would be excessive for aircraft smaller than the 95,000 pound threshold set in the Security Procedures issued under SFAR-91. The Joint Commenters suggest that security programs differentiate between aircraft above and below 95,000 pounds, and that those below that level be permitted greater flexibility in determining access to the flight deck.

## **IV. Applicability to Both Scheduled and Charter Air Carriers**

The Preamble to the Final Rule (67 F.R. at 8206) notes that while Section 132(a) of **ATSA** requires additional security measures for charter air carriers, “there is no reason to apply additional security measures to charter air carriers...without also applying them to scheduled operations.” The Joint Commenters agree completely, and believe that it was not the intent of Congress to do so. If anything, charter operations are less likely than scheduled to be subject to terrorist attack, since they are by definition *not* operated pursuant to

publicly available schedules, and access to these flights is *more* restrictive than for scheduled flights. We therefore urge that the TSA not apply a more stringent standard to the less vulnerable class of carrier and operation.

\* \* \*

The Joint Commenters appreciate this opportunity to make their views known on the particular issues discussed. We are prepared to work cooperatively with the TSA on developing procedures that will provide a significantly enhanced level of security for air cargo operations. We ask, however, that the Final Rule and security programs adopted thereunder take full account of the way in which cargo carriers (particularly charter cargo carriers) do business, and retain the flexibility needed for them to continue provide their important services to the American economy.

Respectfully submitted,



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Kalitta Air, L.L.C.  
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USA Jet Airlines, Inc.

Dated: April 23, 2002